

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WILLIAM TAYLOR,
Plaintiff,

v.

CO 1 DUNSTON, *et al.*,
Defendants.

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CIVIL ACTION NO. 24-CV-2424

ORDER

AND NOW, this 20th day of August, 2024, upon consideration of Plaintiff Williams Taylor's Motion to Proceed *In Forma Pauperis* (ECF No. 5), Prisoner Trust Fund Account Statement (ECF No. 6), *pro se* Complaint (ECF No. 1), Motion for Temporary Restraining Order (ECF No. 2), and Motion for Order to Show Cause for Preliminary Injunction and Temporary Restraining Orders (ECF No. 8), is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. William Taylor, #HN-2880, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Superintendent of SCI Phoenix or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Taylor's inmate account; or (b) the average monthly balance in Taylor's inmate account for the six-month period immediately preceding the filing of this case. The Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Taylor's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to

Taylor's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Superintendent of SCI Phoenix.

4. The Complaint is **DEEMED** filed.

5. For the reasons stated in the Court's Memorandum, the Complaint is **DISMISSED IN PART WITH PREJUDICE AND IN PART WITHOUT PREJUDICE**, as follows:

a. All constitutional claims are **DISMISSED WITH PREJUDICE**.

b. All state law claims are **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.

6. The Motion for Temporary Restraining Order (ECF No. 2) and Motion for Order to Show Cause for Preliminary Injunction and Temporary Restraining Orders (ECF No. 8) are **DENIED**.

7. The Clerk of Court is **DIRECTED** to close this case.

BY THE COURT:

/s/ John M. Gallagher

JOHN M. GALLAGHER, J.